

58548

P 480 787 076

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	
Maurice Barnett	
Street and No.	
700 Belleville Ave.	
P.O., State and ZIP Code	
New Bedford MA 02745	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, Feb. 1982

52518

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

11/21/84

Mr. Maurice Barnett  
Vice-President of Manufacturing  
Acushnet Company  
700 Belleville Avenue,  
P.O. E916  
New Bedford, MA 02745

RE: Request for information [pursuant to §3007 of the Resource Conservation and Recovery Act, 42 U.S.C. §6927 and §104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9604(e)] pertaining to the New Bedford Superfund site, New Bedford, Massachusetts.

Dear Mr. Barnett:

The U.S. Environmental Protection Agency (EPA) and the Commonwealth of Massachusetts are presently investigating actual and threatened releases of hazardous substances, as defined in Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 U.S.C. §9601(14) and hazardous wastes as defined in Section 1004(5) of the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. §9603(5), including heavy metals and polychlorinated biphenyls in New Bedford Harbor. The Acushnet Company owns and operates facilities in New Bedford, Massachusetts, which generate and handle hazardous wastes and substances.

Section 104(e) of CERCLA, 42 U.S.C. §9604(e), provides that the the EPA may request information and records relating to hazardous substances from "any person who stores, treats, or disposes of/or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports or otherwise handles or has handled, hazardous substances." Section 3007 of the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. §6927, provides that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall...furnish information relating to such wastes upon the request of the EPA."

EPA hereby requests, pursuant to RCRA §3007 and CERCLA §104(e), that you furnish the EPA within thirty (30) days of receipt of

CONCURRENCES				
EPA hereby requests, pursuant to RCRA §3007 and CERCLA §104(e), that you furnish the EPA within thirty (30) days of receipt of				
SURNAME	STJ	Beking	Ford	Amblin
DATE	11/1/84	11/5/84	11/15/84	11/20

this letter, with any information and copies of all records relating to hazardous wastes and substances generated by your company and transported to, stored, treated, disposed of, otherwise handled at or released into New Bedford Harbor, and the Acushnet River Estuary including:

1. The waste stream referred to in Form 3, Section IV, line 6 of the RCRA Permit Application is indicative of a material that exhibits the characteristic of EP toxicity. Detail the materials represented by the hazardous waste number D000 by referring to 40 CFR, Part 261.24, Table 1 or other description of the material as appropriate. Please include any available information on the practices which have historically been used for disposal of this material.
2. Give any records of direct discharge of heavy metals into the New Bedford Harbor, which occurred before the submission of any NPDES or RCRA permit application and have not otherwise been submitted to EPA.
3. Detail the area in which materials were stored on-site before the issuance of Notice of Violation, 315 CMR 2.00, June 19, 1981, and give any records of accidental spills occurring in the storage area.
4. Detail the shipment of polychlorinated biphenyls (Aroclor 1252) made by Monsanto Corporation to Acushnet Process in 1971 and recorded in a Monsanto Product/Customer Sales Report of January 12, 1972, and any other shipments made by a supplier of PCB's. In particular, please indicate the use of such PCB's, and the disposal method of any PCB wastes resulting from such use. Finally, please indicate any uses of PCB's either present or past at any Acushnet Company facility in New Bedford.

In responding to this information request, refer to the definitions listed in §101 of CERCLA and §1004 of RCRA in determining the scope of your response. Please include in your response copies of all relevant documents showing the origin of materials released into the harbor, their dates of release, the numbers of barrels or containers of materials, the types and detailed analysis of such materials or the amount of such material, the extent of the area where materials were disposed of, and methods and practices used to treat, store, dispose, or otherwise handle materials. Return your response to this office along with a notarized affidavit from a responsible official or representative stating that a diligent record search has been completed and that all information responsive to this letter is being forwarded to the EPA.

You may assert a business confidentiality claim covering part or all of the information requested by this letter, in the manner described by 40 CFR §2.203(b). Information covered by such claims will be disclosed by EPA only to the extent and by means of procedures set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly subject to such a claim.

This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

All responses to this letter should be directed to:

Heather M. Ford, Chief  
Enforcement and Cost Recovery Section  
U.S. Environmental Protection Agency  
JFK Federal Building, Room 2203  
Boston, MA 02203  
(617) 223-5906

Your legal questions should be addressed to:

Charles Bering, Esq. at (617) 223-0401.

Failure to comply with this request within thirty (30) days of receipt may subject you to penalties under Section 3008 of RCRA 42 U.S.C. §6928, of up to \$25,000 a day for each day of continued non-compliance.

Sincerely,

Merrill S. Hohman, Director  
Waste Management Division

bcc: Gerry Levy